

Message Text

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ORIGIN OES-06

INFO OCT-01 AF-08 ARA-06 EUR-12 EA-07 NEA-10 IO-13 ISO-00

FEA-01 ACDA-07 CIAE-00 INR-07 L-03 NSAE-00 NSC-05

EB-07 NRC-05 DODE-00 ERDA-05 PM-04 /107 R

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EUR/RPE - G.WOLFE

NEA/INS - B.BROWN

ARA/NC- F.DEVINE

IO/SCT - L.CAVANAUGH

ERDA/ G.HELFRICH

L/OES- J. BAILLY

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P 242329Z MAY 76

FM SECSTATE WASHDC

TO AMEMBASSY BUENOS AIRES PRIORITY

AMEMBASSY CANBERRA PRIORITY

AMEMBASSY VIENNA PRIORITY

AMEMBASSY BRASILIA PRIORITY

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AMEMBASSY CARACAS PRIORITY

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USMISSION EC BRUSSELS PRIORITY
AMEMBASSY TAIPEI PRIORITY
AMCONSUL CAPE TOWN PRIORITY
INFO AMCONSUL BOMBAY PRIORITY

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CAPE TOWN FOR EMBASSY

E.O. 11652: NA

TAGS: TECH

SUBJECT: "ANDERSON AMENDMENT" TO ERDA FY 1977 AUTHORIZATION
BILL

1. ON MAY 20, CONGRESSMEN JOHN ANDERSON AND MELVIN
PRICE INTRODUCED AN AMENDMENT TO ERDA'S FY 1977 AUTHORIZA-
TION BILL WHICH WAS ADOPTED BY THE HOUSE. THE AMENDMENT
IS AS FOLLOWS:

"NO FUNDS AUTHORIZED UNDER THIS ACT MAY BE USED TO
PRODUCE FUEL FOR EXPORT TO SUPPLY A NUCLEAR POWER REACTOR
UNDER AN AGREEMENT FOR COOPERATION WHIC; HAS NOT BEEN
REVIEWED BY THE CONGRESS UNDER THE PROCEDURES IN SECTION
123D OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED BY
PUBLIC LAW 93-485, TO A COUNTRY WHO HAS NOT RATIFIED THE
NPT UNLESS THE FIRST PROPOSED LICENSE AUTHORIZING THE
EXPORT OF EITHER SUCH REACTOR OR SUCH FUEL AFTER THE DATE
OF THIS ACT IS FIRST SUBMITTED TO CONGRESS FOR REVIEW
UNDER THE CONGRESSIONAL REVIEW PROCEDURES PROVIDED FOR
AGREEMENTS FOR COOPERATION IN THE ABOVE REFERENCED
SECTION."

2. SUBSEQUENTLY, GEORGE MURPHY, EXECUTIVE DIRECTOR OF THE
JOINT COMMITTEE ON ATOMIC ENERGY (JCAE) SENT THE FOLLOWING
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LETTER TO MARCUS ROWDEN, CHAIRMAN OF THE NRC:
"YESTERDAY THE HOUSE APPROVED AN AMENDMENT TO THE
ERDA AUTHORIZATION BILL WHICH WAS OFFERED BY MR. PRICE
AND MR. ANDERSON. A COPY OF THE AMENDMENT IS ATTACHED
(AS QUOTED IN PARA. 1 ABOVE).

"IN VIEW OF THE IMPORTANCE OF THE SUBJECT MATTER
PENDING THE COMPLETION OF THE LEGISLATIVE PROCESS ON THE

ERDA AUTHORIZATION BILL, PLEASE GIVE THE COMMITTEE 15 DAYS PRIOR NOTICE OF THE PROPOSED ISSUANCE BY THE NUCLEAR REGULATORY COMMISSION OF ANY EXPORT LICENSE WHICH WOULD BE WITHIN THE TERMS OF THE AMENDMENT AS PASSED BY THE HOURS.

"YOUR COOPERATION AND ASSISTANCE IN THIS MATTER ARE GREATLY APPRECIATED."

3. THE IMPACT OF THESE TWO RELATED ACTIONS CANNOT YET BE FULLY EVALUATED. THE EXECUTIVE BRANCH POSITION ON THE AMENDMENT IS UNDER ACTIVE REVIEW. THE EFFECT OF THE AMENDMENT, SHOULD IT BECOME LAW, ON PENDING EXPORT LICENSE APPLICATIONS IS HIGHLY UNCERTAIN; A LEGAL ANALYSIS HAS BEEN INITIATED ON A HIGH PRIORITY BASIS. SIMILARLY, LEGAL EFFECT OF JCAE LETTER TO NRC CANNOT BE PREDICTED AND NRC HAS NOT, AS OF PRESENT, INDICATED HOW IT WILL RESPOND.

4. POSTS MAY EXPECT INQUIRIES AS TO IMPACT OF ANDERSON AMENDMENT, PARTICULARLY IN THOSE COUNTRIES WHICH HAVE NOT RATIFIED THE NPT. RESPONSE SHOULD DRAW ON FOREGOING INFORMATION AND INQUIRIERS SHOULD BE URGED NOT REPEAT NOT TO DRAW ANY PREMATURE CONCLUSIONS AS TO HOW THEY MAY BE AFFECTED, IN VIEW OF FACT THAT PROPOSED AMENDMENT HAS NOT REPEAT NOT BECOME LAW AND THE MANY ISSUES WHICH REMAIN TO BE CLARIFIED. SISCO

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Message Attributes

Automatic Decaptioning: X
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Copy: SINGLE
Draft Date: 24 MAY 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: SmithRJ
Disposition Case Number: n/a
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Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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04 MAY 2006

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